

Public Notice

U.S. Army Corps of Engineers, Norfolk District

April 25, 2007

CENAO-REG
07-V0849/NAO-2007-1846

PUBLIC NOTICE

The District Commander has received a permit application for work described below:

APPLICANT

Whitney E. Hanscom
508 Libbie Avenue
Richmond, Virginia 23226

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in Carter Creek, a tributary to the Rappahannock River, located at the end of VSH 691, Lancaster County, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to convert the site from an existing, vacant oyster house with piers and (2) wet slips to a new marina facility with (57) wet slips. The existing piers and pilings will be removed and the unauthorized, oyster shell fill that was placed in the waterway to create upland (approximately 5,100 square feet or 2,000 cubic yards) is to be excavated to 6' mean low water with a 2:1 slope on the landward side of the excavation. A proposed 170' bulkhead, with no backfill, will be constructed at the landward side of the excavated shoreline. In addition, the applicant proposes to mechanically dredge approximately 500 cubic yards from the 6' mean low water contour landward into the excavated area. The total dredge/excavation volume is to be approximately 2,500 cubic yards. The excavated oyster shells are to be used in an appropriate oyster replenishment area; whereas, the other dredged material will be confined and dewatered in an earthen berm on site. The applicant also proposes to construct a 535' open pile marginal wharf with (2) 186' T-head piers, (25) finger piers, and (30) mooring piles to create the proposed (57) 40' x 14' wet slips. There are no repair or maintenance facilities at the proposed marina. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Commander within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Commander will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.virginia.gov.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). This waterway, Carter Creek, contains Essential Fish Habitat (EFH) for the egg, larvae, juvenile and adult life stages of nine species including Windowpane and Summer Flounder, Bluefish, King and Spanish Mackerel, Cobia, Red Drum, Dusky and Sandbar Shark. The habitat that this project may affect consists of the proposed piers, finger piers, and mooring piles that are to be constructed by driving piles into sub aqueous areas. A portion of the mechanical dredging will be in sub-aqueous area. And, approximately 5,100 square feet of upland (oyster shells) will be excavated and converted back to the marine environment. As stated above, the excavated oyster shells are to be placed at an appropriate oyster replenishment area. This shoreline reclamation is expected to mitigate any short term impacts associated with the construction phase of the proposal. The proposed project is described in Proposed Work and Purpose, above. Our assessment of the project leads us to a preliminary determination that it will not have a substantial adverse effect on EFH and therefore expanded EFH consultation is not required. Based on comments from the National Marine Fisheries Service in response to this public notice, further EFH consultation may be necessary.

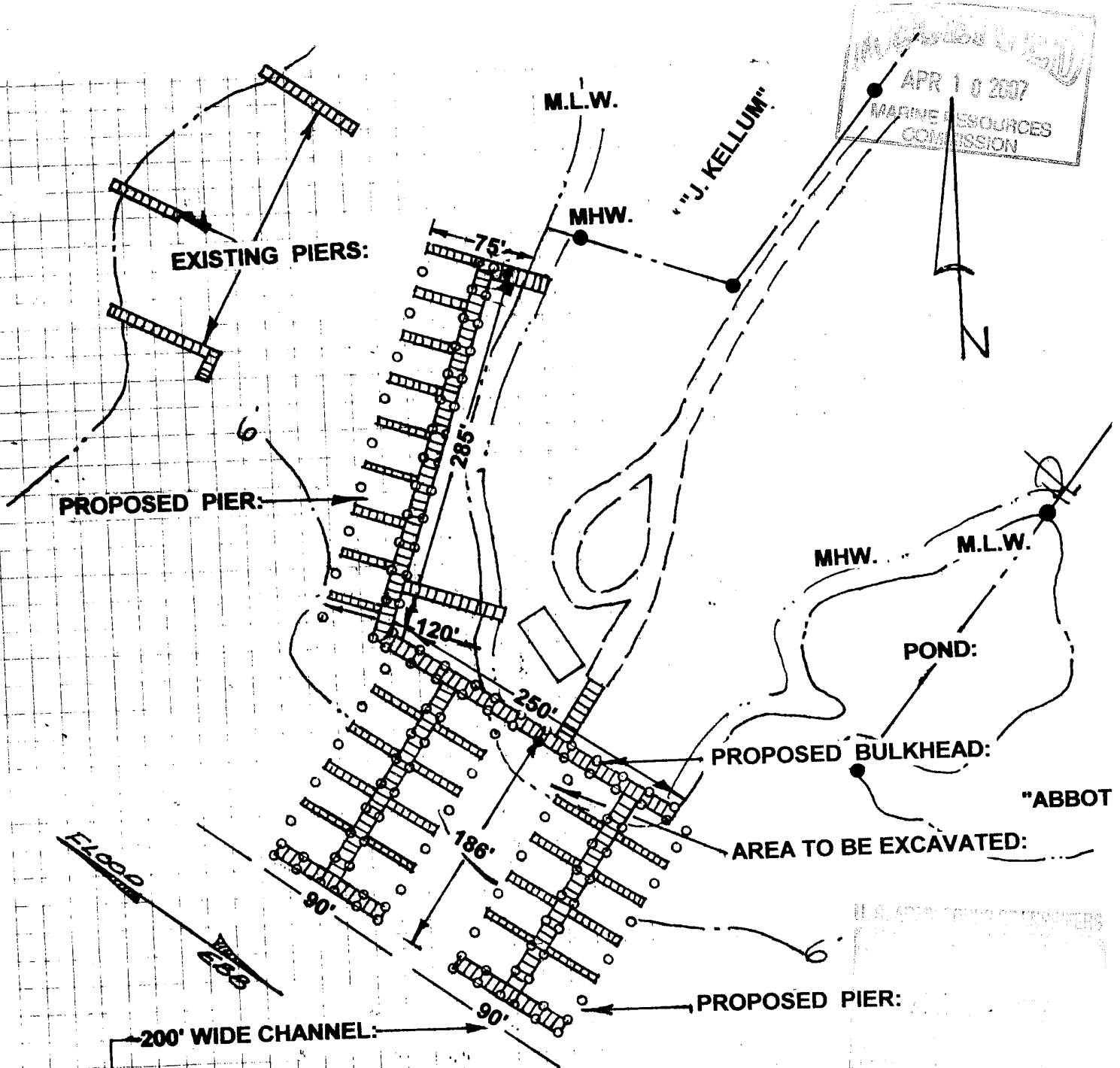
COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-REG), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on **May 25, 2007**.

If you have any questions about this project or the permit process, please call: Adrian R. Jennings at (804) 435-9362.

FOR THE DISTRICT COMMANDER:

Keith B. Lockwood
Chief, Northern Virginia
Regulatory Section

Attachment: Drawings



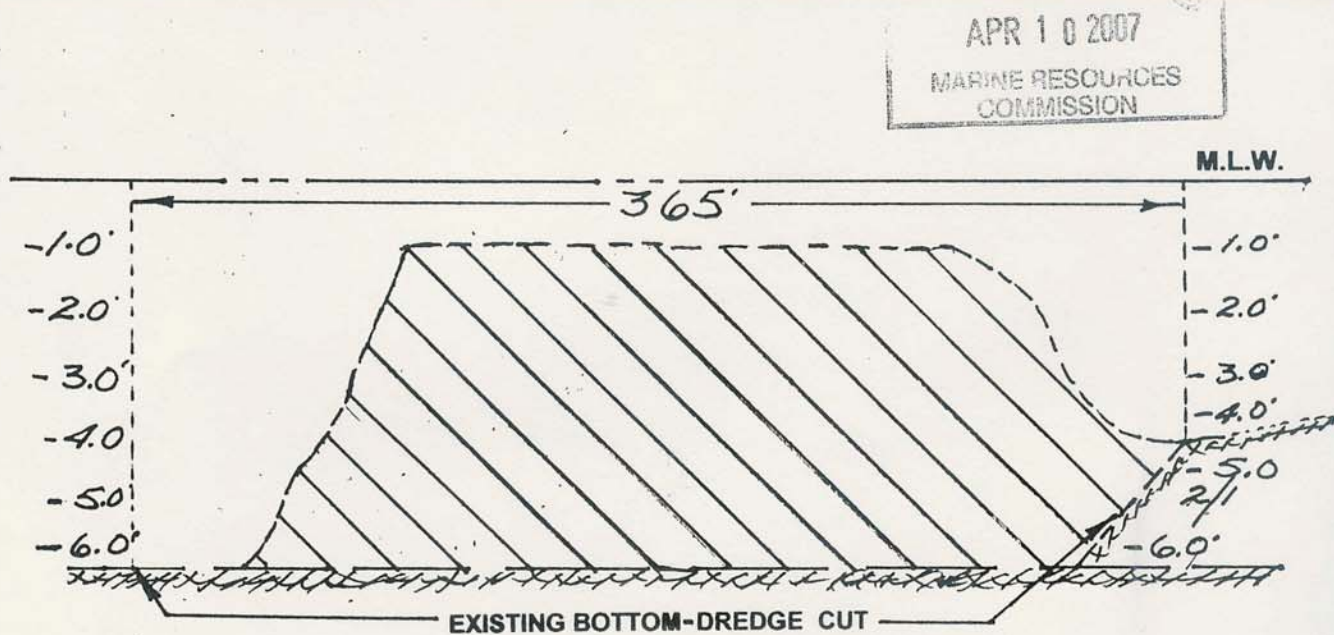
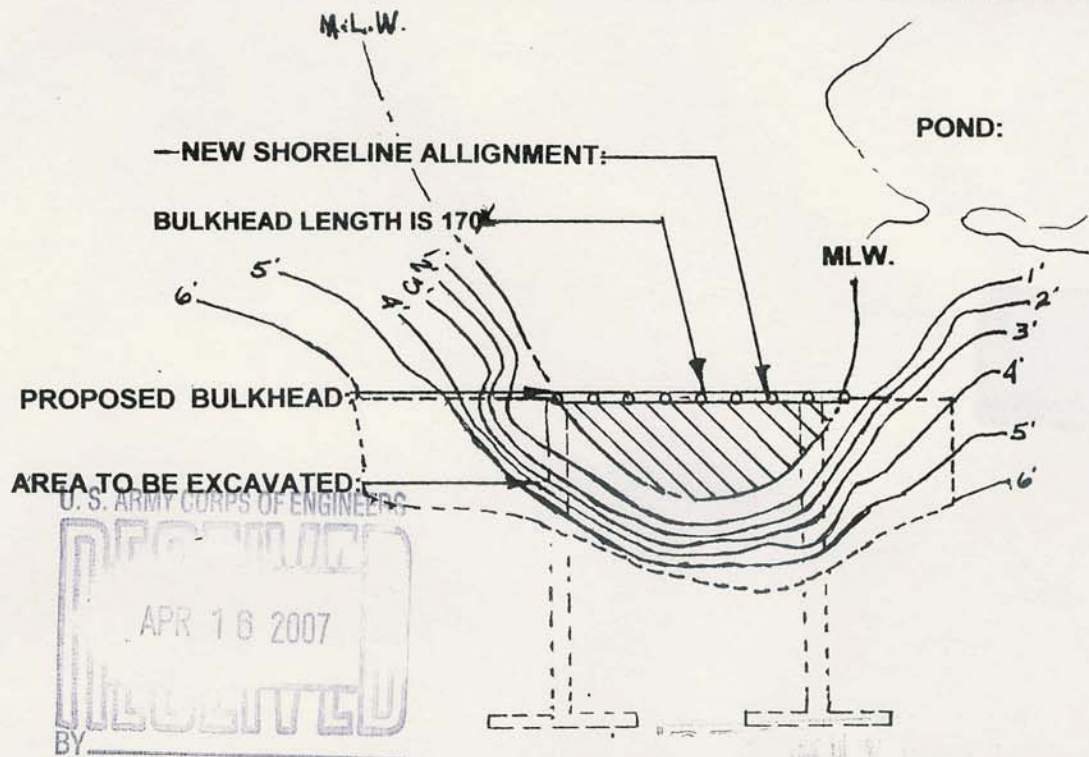
CARTER COVE:

SCALE: 1" = 100'

MEMO: ALL PIER WIDTHS ARE 8'0". ALL FINGER PIERS ARE 4'0" WIDE. SLIP LENGTHS ARE 40'. SLIP WIDTHS ARE 14'. ALL WATER DEPTHS SHOWN ARE BY MLW SURVEY J. HOWETH & ASSO C.L.S. A PORTION OF THE UPLAND AS SHOWN ON SURVEY PLAT V BE EXCAVATED, AND RETURNED TO SUBAQUEOUS BOTTOM. THIS AREA CONSISTS OF OYSTER SHELLS PLACED THERE OVER MANY YEARS.

PLAN VIEW:

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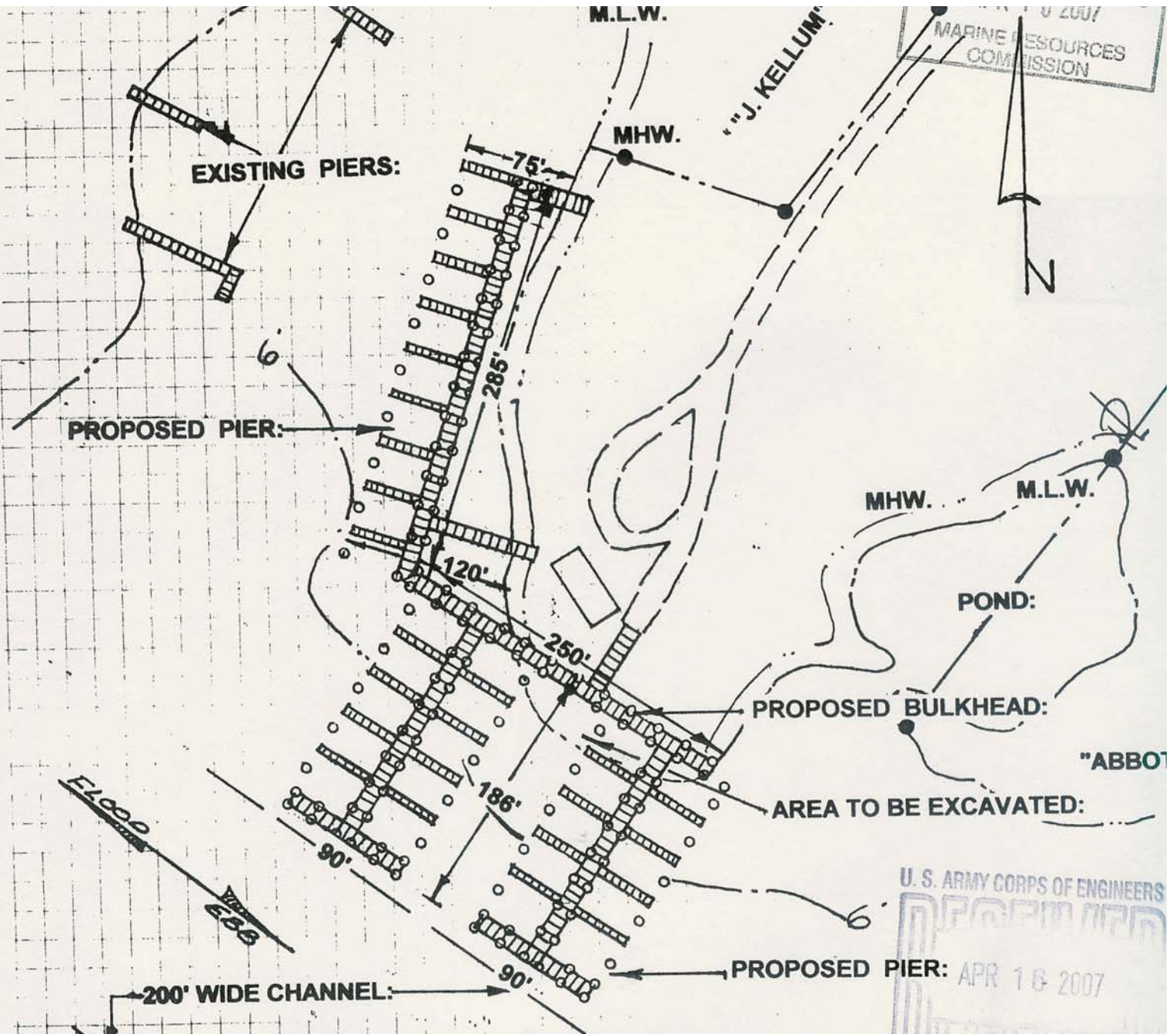
PLAN & SECTION DREDGE AREA:



Roger H. McKinley, Inc.
P.O. Box 415
Wicomico Church, VA 22579

PROPOSED MARINA
PIER'S, & BULKHEAD
CARTER'S COVE
COUNTY SEC. 33-164
LANCASTER COUNTY

WHITNEY E. HANSCOM
508 LIBBIE AVE.
RICHMOND, VA. 23226
MARCH 21, 2007
WHITE STONE MAG. DIST.



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PLAN VIEW:

U. S. ARMY CORPS OF ENGINEERS
 RECEIVED
 APR 16 2007
 BY
 SCALE: 1" = 100'